

Applicants respectfully submit that this two-way restriction as imposed by the Examiner is improper based on the following grounds:

1. There is no undue burden on the Examiner to search for all of the claims as they are believed to be in same or similar classifications.
2. Product and methods of using the product should be rejoined pursuant to MPEP 821.04

Now, each of these issues shall be discussed in greater detail. First, Applicants respectfully submit that the search of all of the claims 1 to 13 should not impose any undue burden on the Examiner. In support of this, the Examiner's attention is again directed to inventions 1 and 2 shown above. It is respectfully asserted that the Examiner has not provided any reasoning for any undue burden on that is imposed on her if these inventions are searched together. Applicants respectfully submit that such assertions must be provided in the Office Action in support of any imposition of restriction requirement under 35 U.S.C. 121. Nevertheless it is respectfully submitted that both of the groups are in very similar classifications. Thus it is submitted that all inventions can be searched together imposing no undue burden on the Examiner. Even more importantly, it should be noted that inventive Group I is directed to products of formula I. Whereas, invention Group II is directed to methods of using the compounds of formula I when the Examiner is searching for the inventions of Group I, that itself may facilitate the search of invention Group II. Thus, it should not impose any undue burden on the Examiner to search both inventions together. Therefore, Applicants respectfully submit that all inventions be rejoined and examined together.

Secondly, Applicants submit that product and the related use claims should be rejoined pursuant to MPEP 821.04. As noted in MPEP 821.04:

"Where the application as originally filed discloses the product and the *process for making and/or using the product*, and only claims directed to the product are presented for examination, when a product claim is found allowable, applicant may present claims

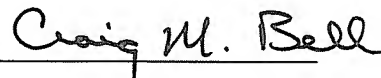
directed to the *process of making and/or using the patentable product by way of amendment pursuant to 37 CFR 1.121*. (emphasis added)

As already discussed above, inventive Group I, claims 1-3, 12 and 13, recites products comprising compounds of formula (I). Whereas inventive Group II, claims 4-11, is directed to a method for the use of the compounds of formula I. It should especially be noted that claims 4-11 depend directly or indirectly on claim 1 and incorporate all of the limitations of claim 1, i.e., of invention Group I. Thus, it is submitted that invention Group II should be rejoined with invention Group I pursuant to provisions set out in MPEP 821.04, as also noted by the Examiner in the outstanding Office Action and in further accordance with the new guidelines established by the Office.

In the event the Examiner wishes to contact the undersigned regarding any matter, please call (collect if necessary) the telephone number listed below.

Applicants believe there are no fees due for this response. However, if the Examiner deems that fees are due, please charge these fees to Deposit Account No. **18-1982** for sanofi-aventis, U.S. LLC, Bridgewater, NJ. Please credit any overpayment to Deposit Account No. **18-1982**.

Respectfully submitted,



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